THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE G.V.SEETHAPATHY

WRIT APPEAL NO.1000 of 2006

9th October 2006

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 26.09.2006 in W.P.M.P.No.11948 of 2006 in W.P.NO.9440 OF 2006 on the file of the High Court.)

Between:

Dr.R.V.S.S.Avadhanulu, S/o.R.V.Suryanarayana, 57 years, Deputy Director (Computer Facility), Nizam's Institute of Medical Sciences, Hyderabad.

...APPELLANT

AND

1. State of Andhra Pradesh, rep.by its Secretary to Government, Medical & Health Department, Secretariat, Hyderabad.

And one other.

...RESPONDENTS

THE HON'BLE MR JUSTICE B.PRAKASH RAO

And

THE HON'BLE MR JUSTICE G.V.SEETHAPATHY

WRIT APPEAL NO.1000 of 2006

JUDGMENT: (Per the Hon'ble Mr Justice B.Prakash Rao)

Heard both the sides.

At their request, the Writ Appeal itself is taken up for disposal at the admission stage.

The appellant is the writ petitioner, who filed this Writ Appeal, seeking to assail the order rejecting the interlocutory application pending the Writ Petition, which involves the question whether he is entitled to be considered up to the age of 60 years or not.

Having regard to the larger question involved in the Writ Petition, whether the petitioner is entitled or not, the Writ Petition itself has to be heard finally. Thus, we do not find any reason to grant any interim direction at this stage with regard to entitlement of benefits. However, the respondents have already filed counter affidavit and

hence, the Writ Petition itself can be heard finally.

Accordingly, the Writ Appeal is dismissed. No costs.

Office is directed to post the Writ Petition W.P.No.9440 of 2006 on 14.11.2006 for "Final Hearing" subject to "Part Heard" before the regular Court hearing the matters.

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(B.PRAKASH RAO, J)

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(G.V.SEETHAPATHY, J)

9th October 2006
RRB

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